

FILED

DL MAY 31 2018

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA) No. 18 CR 249
)
 v.) Violations: Title 18, United States
) Code, Sections 1341 and 1708
)
 DUSHAUN HENDERSON SPRUCE) JUDGE NORGL

JUDGE NORGL

COUNT ONE

MAGISTRATE JUDGE COX

1. At times material to this indictment:

b. Defendant DUSHAUN HENDERSON SPRUCE resided at 6750 N. Ashland Avenue, Apartment L2, Chicago, Illinois.

2. Beginning no later than in or about October 2017, and continuing through in or about January 2018, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, devised, and intended to devise, and participated in a scheme to defraud and to obtain money and property from Corporation A by means of materially

false and fraudulent pretenses, representations, and promises, and by concealment of material facts, which scheme is further described in the following paragraphs.

3. It was part of the scheme that defendant HENDERSON SPRUCE changed the mailing address of Corporation A in Atlanta, Georgia to his residence in Chicago, Illinois without the authorization or knowledge of Corporation A. After receiving and opening mail intended for Corporation A, he removed checks listing the payee as Corporation A as well as a check listing the payee as a charity fund sponsored by Corporation A, and deposited those checks into his bank account ending in 0143 without the authorization or knowledge of Corporation A.

4. It was further part of the scheme that, in order to fraudulently obtain mail intended for Corporation A, on or about October 26, 2017, defendant HENDERSON SPRUCE submitted a United States Postal Service (USPS) Form PS 3546, changing the corporate address of Corporation A in Atlanta, Georgia, to his residence in Chicago, Illinois. HENDERSON SPRUCE did this knowing that it would cause mail intended to be delivered to Corporation A, to instead be delivered to his residence.

5. It was further part of the scheme that, after submitting the Form PS 3546, HENDERSON SPRUCE knowingly received at his residence, thousands of pieces of mail intended for Corporation A, and kept those pieces of mail at his apartment knowing that they were intended for Corporation A, and not for him.

6. It was further part of the scheme that, upon receiving mail intended for Corporation A, HENDERSON SPRUCE opened certain pieces of that mail and

removed checks naming Corporation A as the payee, knowing that he was not the intended recipient of these checks and that he was not authorized by Corporation A to open its mail or deposit any checks therein.

7. It was further part of the scheme that, defendant HEDERSON SPRUCE knowingly deposited into his bank account ending in 0143, checks totaling more than approximately \$50,000, made out to Corporation A, without the knowledge or authorization of Corporation A.

8. It was further part of the scheme that, on or about November 28, 2017, HENDERSON SPRUCE deposited a check in the amount of \$500, made out to a charity fund sponsored by Corporation A, Charity A, into his personal bank account ending in 0143, without the knowledge or authorization of Corporation A or Charity A.

9. It was further part of the scheme that defendant HENDERSON SPRUCE concealed, misrepresented, and hid, and caused to be concealed, misrepresented, and hidden, the existence, purpose, and acts done in furtherance of the scheme.

10. As a result of the scheme, defendant HENDERSON SPRUCE fraudulently obtained approximately \$50,000 from Corporation A, of which approximately \$500 was fraudulently obtained from Charity A.

11. On or about October 26, 2017, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly submit to USPS a Form PS 3546 in order to cause United States Mail addressed to Corporation A, to instead be delivered to his residence in Chicago, Illinois;

In violation of Title 18, United States Code, Section 1341.

COUNT TWO

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. The allegations in paragraphs 1-10 of Count One of this indictment are incorporated here.

2. On or about November 22, 2017, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly remove from the United States Mail, a piece of first class mail containing a check in the amount of \$61.27, made out to Corporation A, which he deposited into his personal bank account ending in 0143;

In violation of Title 18, United States Code, Section 1341.

COUNT THREE

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. The allegations in paragraphs 1-10 of Count One of this indictment are incorporated here.

2. On or about November 22, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly remove from the United States Mail, a piece of first class mail containing a check in the amount of \$8,795, made out to Corporation A, which he deposited into his personal bank account ending in 0143;

In violation of Title 18, United States Code, Section 1341.

COUNT FOUR

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. The allegations in paragraphs 1-10 of Count One of this indictment are incorporated here.

2. On or about November 27, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly remove from the United States Mail, a piece of first class mail containing a check in the amount of \$150.24, made out to Corporation A, which he deposited into his personal bank account ending in 0143;

In violation of Title 18, United States Code, Section 1341.

COUNT FIVE

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. The allegations in paragraphs 1-10 of Count One of this indictment are incorporated here.

2. On or about November 28, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly remove from the United States Mail, a piece of first class mail containing a check in the amount of \$500, made out to a charity fund sponsored by Corporation A, which he deposited into his personal bank account ending in 0143;

In violation of Title 18, United States Code, Section 1341.

COUNT SIX

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. The allegations in paragraphs 1-10 of Count One of this indictment are incorporated here.

2. On or about November 29, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly remove from the United States Mail, a piece of first class mail containing a check in the amount of \$150, made out to Corporation A, which he deposited into his personal bank account ending in 0143;

In violation of Title 18, United States Code, Section 1341.

COUNT SEVEN

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. The allegations in paragraphs 1-10 of Count One of this indictment are incorporated here.

2. On or about December 13, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly remove from the United States Mail, a piece of first class mail containing a check in the amount of \$1,380.38, made out to Corporation A, which he deposited into his personal bank account ending in 0143;

In violation of Title 18, United States Code, Section 1341.

COUNT EIGHT

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. The allegations in paragraphs 1-10 of Count One of this indictment are incorporated here.

2. On or about December 13, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly remove from the United States Mail, a piece of first class mail containing a check in the amount of \$5,000, made out to Corporation A, which he deposited into his personal bank account ending in 0143;

In violation of Title 18, United States Code, Section 1341.

COUNT NINE

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. The allegations in paragraphs 1-10 of Count One of this indictment are incorporated here.

2. On or about December 14, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly remove from the United States Mail, a piece of first class mail containing a check in the amount of \$69.40, made out to Corporation A, which he deposited into his personal bank account ending in 0143;

In violation of Title 18, United States Code, Section 1341.

COUNT TEN

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. The allegations in paragraphs 1-10 of Count One of this indictment are incorporated here.

2. On or about December 14, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly remove from the United States Mail, a piece of first class mail containing a check in the amount of \$312.20, made out to Corporation A, which he deposited into his personal bank account ending in 0143;

In violation of Title 18, United States Code, Section 1341.

COUNT ELEVEN

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

1. The allegations in paragraphs 1-10 of Count One of this indictment are incorporated here.

2. On or about December 19, 2017, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, for the purpose of executing and attempting to execute the above-described scheme to defraud, did knowingly remove from the United States Mail, a piece of first class mail containing a check in the amount of \$42,300, made out to Corporation A, which he deposited into his personal bank account ending in 0143;

In violation of Title 18, United States Code, Section 1341.

COUNT TWELVE

The SPECIAL DECEMBER 2017 GRAND JURY further charges:

Beginning no later than in or about October 2017, and continuing through in or about January 2018, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

DUSHAUN HENDERSON SPRUCE,

defendant herein, did steal, take, and abstract, and by fraud, or deception obtained and attempted to obtain from any mail route, or letter carrier, a letter, package, and mail, namely, ten first class pieces of mail addressed to Corporation A;

In violation of Title 18, United States Code, Section 1708.

FORFEITURE ALLEGATION

The SPECIAL DECEMBER 2017 GRAND JURY further alleges:

1. The allegations contained in Counts One through Eleven in this indictment are incorporated here for the purpose of alleging that certain property is subject to forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. As a result of his violations of Title 18, United States Code, Section 1341, as alleged in the foregoing indictment,

DUSHAUN HENDERSON SPRUCE,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section, 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all right, title and interest in property, real and personal, which constitutes and is derived from proceeds traceable to the charged offenses.

3. The interests of the defendant subject to forfeiture pursuant to Title 18, United States Code, Section, 981(a)(1)(C) and Title 28, United States Code, Section 2461(c) include, but are not limited to, at least approximately \$50,000.

4. If any of the property subject to forfeiture and described above, as a result of any act or omission of the defendant:

- (a) Cannot be located upon the exercise of due diligence;
- (b) Has been transferred or sold to, or deposited with, a third party;
- (c) Has been placed beyond the jurisdiction of the Court;
- (d) Has been substantially diminished in value; or

- (e) Has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property, under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY